

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 968

Introduced by Assembly Member Gordon

February 22, 2013

An act to add Section 5126 to the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

AB 968, as amended, Gordon. Common interest developments: elections.

The Davis-Stirling Common Interest Development Act governs the management and operation of common interest developments. These provisions require that a common interest development be managed by an association and that elections related to the governance or administration of the common interest development conform to specified requirements.

This bill would, notwithstanding the election requirements referenced above, authorize a common interest development with not more than ~~6~~ 15 separate interests to conduct an election of directors pursuant to other specified requirements.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5126 is added to the Civil Code, to read:
- 2 5126. (a) Notwithstanding Sections 5110, 5115, 5120, and
- 3 5125, a common interest development with not more than ~~six~~

1 *fifteen* separate interests may conduct an election of directors
2 pursuant to this section.

3 (b) An election of directors conducted pursuant to this section
4 shall meet all of the following requirements:

5 (1) Notice of the election shall be provided to each member at
6 least 30 days before the meeting at which the election is held. The
7 notice shall provide both the following:

8 (A) The time and place at which the meeting will be held.

9 (B) The matters that will be decided in the election.

10 (2) The election shall be held at a meeting of the members at
11 which a quorum is present. If the governing documents permit the
12 use of a proxy, a proxy may be counted in determining the quorum.

13 (3) A candidate for elected office may be nominated prior to
14 the election or at the meeting at which the election is held.

15 (4) Votes shall be cast by secret written ballot, except as may
16 be necessary to cast a ballot pursuant to a proxy.

17 (5) A vote may be cast for a write-in candidate.

18 (6) After all of the members present have had an opportunity
19 to vote, the ballots shall be counted openly, at the meeting at which
20 they were cast. The vote totals and results of the election shall be
21 announced at the meeting.

22 (7) If a vote to elect a director results in a tie, and a quorum is
23 still present when the tie is announced, the members present at the
24 meeting may act immediately to attempt to break the tie. Unless
25 the governing documents provide another method, a runoff election
26 between the tied candidates shall be used to attempt to break the
27 tie.